TOWN OF DAUPHIN ISLAND, ALABAMA
ORDINANCE NO 31-A
AN ORDINANCE PERTAINING TO THE USE OF TOWN PROPERTIES AND TOWN RIGHTS OF WAYS

BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama, as follows:

1. No person, firm or corporation shall build, install or establish any structure or place any culvert, driveway, bridge or overpass on any easement, right of way or property owned or controlled by the Town of Dauphin Island, Alabama, without the express written permission of the Town. The Street Department or the Building Inspection Department shall determine the size (diameter), cleanout spacing and flow line elevation of all culverts. The minimum diameter of a storm drainage culvert shall be 18 inches. Culvert cleanouts shall be spaced at distances not greater than forty (40) feet. The top of each cleanout/inlet shall not extend above the finished grade to allow water inflow at that point. All culverts shall have 45 degree sloping headwalls and attached wingwalls constructed of concrete.

2. Headwall/wingwall diagram:

3. Property owners that have, or may install, a driveway on the Town's Rights-of-Way shall be responsible for any and all cost associated with construction, maintenance, repair or damage from any source. Should a driveway interfere with any work or operation of the Town that would require its removal, the cost and/or replacement of same shall be at the owner's expense. Property owners whose driveway crosses the Bike & Jogging Path shall repair all damage caused by construction of driveway or vehicular traffic.

4. A permit fee of $15.00 shall be charged per application for modification of an existing or installation of a new culvert.

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Ordinance 31-A
5. Any person found guilty of violating any provision of this ordinance shall be punished by a fine of not less than $100.00 or more than $500.00, plus court cost, or imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment, at the discretion of the judge trying the case. Each day such violation is permitted to continue shall constitute a separate offense and shall be punished as such thereunder. Any person found guilty of any of the provisions of this ordinance may, at the discretion of the Court, be punished by fine, imprisonment, or in the alternative, may be sentenced to community service as designated by the court in lieu of fine or imprisonment.

6. Repeal of Ordinances: Ordinances 21-A, 31 and any other Ordinance heretofore adopted by the Town of Dauphin Island, Alabama which is in conflict with this Ordinance, is hereby repealed to the extent of that conflict.

7. EFFECTIVE DATE: This ordinance shall be effective on 12/01, 2003.

This Ordinance shall take effect and be in force and after the date of its approval by the Town Council of the Town of Dauphin Island, Alabama and publications as required by law.


JEFF COLLIER, MAYOR
TOWN OF DAUPHIN ISLAND

ATTACH:

GINA SIMPSON, TOWN CLERK
NANNETTE DAVIDSON, ASSISTANT TOWN CLERK

1st Reading November 4, 2003
2nd Reading November 18, 2003
Adopted on 11/18/03
Posted: 11/21/03

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Ordinance 31-A
ORDINANCE NO. 65 A
TOWN OF DAUPHIN ISLAND, ALABAMA

AN ORDINANCE TO REQUIRE HOUSE BUILDING NUMBERS ON ALL IMPROVED
PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN OF DAUPHIN ISLAND,
ALABAMA AND THE REPEAL OF ORDINANCE 15, 15A, AND 15B IN THEIR ENTIRETY.

BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama in the State of
Alabama as follows:

Section 1. HOUSE BUILDING NUMBERS

A. Five (5) inch (minimum height) house numbers should be posted on all buildings or other
   approved surface.
B. The numbers must be a minimum of at least five (5) inches in height, be covered with a
   reflective surface (paint) or be of a contrasting color to the building or other approved
   surface.
C. No property shall be rented, leased, or placed for sale that does not have house numbers
   posted.
D. Existing building: Building permits will not be issued or any inspections made unless a
   house number is affixed to the building or other approved surface...
E. New Construction: No inspections will be made unless a temporary house number is
   placed above or below the posted onsite building permit.
P. Definition: Building shall mean house, commercial building, church, condo, duplex,
   apartment building, high rise, public building, hotel, motel, bed and breakfast, rooming
   house, boarding house, trailer (in mobile home park) or structure.

Section 2. LOCATION OF HOUSE NUMBERS

Numbers shall be affixed to the building, clearly visible from the street, preferably on a porch/deck
column adjacent to the building entrance, or above the front entrance. NOTE: If, for any reason,
house/building numbers are not “clearly visible from the street” when placed in either of these
suggested locations, property owner shall post similar numbers on a mailbox, curb, post, sign, etc.
to insure number is visible from the street. (Minimum size of numbers on mailboxes shall be three
(3) inches.)

Section 3: ENFORCEMENT PROCEDURES

a. When any police officer or other employee of the Town designated by law or ordinances as
   an enforcement officer, finds any violation of any provision of this Ordinance which he is
   authorized to enforce, such person may issue on forms provided by the Town, a citation and
deliver it to the person in violation, directing said person to appear in the municipal court of
the Town at a time and on a date stated therein to answer to the charge or charges for the
violations, which shall be stated in said citation.
b. If the violation is the first violation of such provision of this Ordinance by the person cited, such person, in lieu of appearing on the municipal court may pay a fine of Twenty-five ($25.00) Dollars. If the violation is a second or subsequent offense, person shall be required to appear in municipal court.

c. The police officers and other employees of the Town, designated by law or ordinance enforcement officers are authorized to issue citations as above provided, are hereby further authorized to swear out warrants and execute affidavits or complaints charging persons with the violations of this ordinance, without first having issued a citation for such violation.

d. Any employee of the Town of Dauphin Island designated by the Mayor may issue corrective notices to persons, corporations, establishments, companies, owners, tenants, occupants, and agents found to be in violation of any of the provisions of this ordinance. The issuance of such corrective notice is not necessary for the prosecution of violations of this ordinance.

Section 4. FAILURE TO COMPLY WITH A NOTICE.

Any person, corporation, company, firm, business, institution, owner, lessee, agent, tenant or occupant who has been served such notice in accordance with the provisions of this ordinance, and who shall neglect or shall refuse or shall fail to fully comply with the corrective notices so ordered and/or within the time frame so ordered therein, shall be in violation of this ordinance.

Section 5. PENALTIES

Any person found guilty of violating any of the provisions of this ordinance shall be punished by a fine of Twenty-five ($25.00) for the first offense. Persons cited for all second and subsequent violations shall be required to appear in municipal court and penalized by a fine of not more than Five hundred ($500.00) Dollars, or by imprisonment in the town jail or at hard labor for a period not exceeding six (6) months, or by both such fine and imprisonment at the discretion of the judge trying the case. Each day such violation is permitted to continue shall constitute a separate offense and shall be punished as such hereunder. Any person found guilty of any of the provisions of this ordinance may, in the discretion of the Court be punished by fine, imprisonment, or in the alternative, may be sentenced to community service as designated by the court in lieu of fine or imprisonment.

This Ordinance shall be effective as of October 30, 2009

ATTESTED

Jeff Collier, Mayor

Nannette Davidson, Town Clerk

APPROVED
SUBSTANTIAL DAMAGE Pre-FIRM buildings must be elevated if damaged by any cause for which repair costs are 50% or more of the value of the building. This is a "hidden cost" that actually reduces the value of the structure. Most homeowners never know about this until it happens to them. Ask Saga Bay, Florida: damage can occur from flooding, fire, earthquake, wind, or man. This applies to all buildings in a flood hazard area, regardless if the building has flood insurance.

The costs to repair must be calculated for full repair to "before-damage" condition, even if the owner elects to do less. The total costs to repair include both structural and finish materials and labor.

SUBSTANTIAL IMPROVEMENT When a Pre-FIRM building is proposed to be remodeled, renovated, rehabilitated, added to, or in any way improved, the proposed modifications must be evaluated for "substantial improvement". If the total costs of improvement are 50% or more of the building value, the building must be elevated, etc., just like "substantial damage". "Total costs" means all structural costs, as well as all finish materials, built-in appliances, hardware, in addition to profit and overhead. The substantial improvement rule is a hidden potential cost that the buyer needs to be aware of.

BUILDING VALUE Building value = market value of structure only. Land and exterior improvements are excluded, e.g. swimming pool, pool enclosure, landscaping, paving, etc. Market value = assessed value or properly-depreciated appraised building value. The assessed value may be adjusted upward to reflect the market more accurately. Replacement cost can only be used if properly depreciated. Certified appraisals must be based on the comparable sales method. The land value must be deducted and it must be equal to or greater than that established by the County Assessor. The building value must be fairly depreciated to reflect the age of the building and the deterioration of building components.
APPLICATION FOR
SUBSTANTIAL DAMAGE/IMPROVEMENT REVIEW

Tax Appraisers Folio #

Property Address:

City and Zip Code:

Owner's Name:

Co-Owner's Name:

Owners' Mailing Address:

Owner Phone #:

FIRM Panel: ________ Flood Zone: _____ BFE: _____

Lowest Floor Elevation (excluding garage): ________________

I am attaching an appraisal report of my property, or ___
I am not submitting an appraisal report of my property ___
I accept (Community's) Estimated Market Value. ___

I accept the attached estimated cost of construction as a fair cost
of repair or improvement for my home. _______________________

SIGNATURES:

Owner: ____________________________

Date: ____________________________

Co-Owner: _________________________

Date: ____________________________

5/94 ____________________________

Date: ____________________________
SUBSTANTIAL IMPROVEMENT/DAMAGE

2-) You must obtain and submit to (Community) a detailed and complete cost estimate for the addition, remodeling, reconstruction or for repair of all the damages sustained by your home, prepared and signed by a licensed general contractor. The contractor must sign an affidavit indicating that the cost estimate submitted includes all damages or all improvements to your home, not just structural. (see copy attached.)

(Community) will evaluate the cost of improvements or repairs and determine if they are fair and reasonable. For damage repairs, pre-storm prices and rates will be utilized. The cost of improvements or repairs does not include items not considered a permanent part of the structure. (i.e., Pools, Survey, Paving, sidewalks, pools, screen, sheds, concrete, fences, etc. [see attached copy].)

3-) If your home is determined to have "substantial damage" or is proposed to be "substantially improved", then an Elevation Certificate must be submitted to (Community) to determine the lowest floor elevation. Garages and carports are not considered to be the "lowest floor".

4-) If the lowest floor is below the 100-year flood elevation, the building must be elevated to or above that level. Likewise, all electrical and mechanical equipment (heating and cooling, etc.), bathrooms, and laundry rooms must be elevated to or above the 100-year flood level. Only parking, building access, and limited, incidental storage is allowed below the flood level. Non-residential buildings may be "flood-proofed" instead of being elevated.

If the lowest floor, electrical and mechanical, equipment, laundry and bathroom are already above the 100-year flood elevation, the building can be repaired and reconstructed without further modifications.

5-) Building plans must be prepared to show how the building is to be elevated. If located in a V-Zone, Coastal High Hazard Area, or if the building is to be floodproofed, these plans must be prepared and certified by a registered professional engineer or architect. Certificates for this purpose are available from the Building Official.

6-) Following a presidential disaster declaration, the Small Business Administration may make loans available for both house and businesses for purposes of elevating the structure to or above the 100-year flood elevation. Proof of "substantial damage" from (Community) is required.
SUBSTANTIAL IMPROVEMENT/DAMAGE

ITEMS TO BE EXCLUDED

Plans and specifications
Survey costs
Permit fees

Debris removal (e.g., removal of debris from building or lot, dumpster rental, transport fees to landfill and landfill tipping fees), and clean-up (e.g., dirt and mud removal, building dry out, etc.)

Items not considered real property such as: throw rugs (carpeting over finished floors), furniture, refrigerators, stoves not built-in, etc.

Outside improvements, including:
Landscaping
Sidewalks
Fences
Yard lights
Swimming pools
Screened pool enclosures
Sheds
Gazebos
Detached structures (including garages)
Landscape irrigation systems
# ESTIMATED COST OF RECONSTRUCTION/IMPROVEMENT

**FOLIO #**

**Address**

This Cost Estimate of Reconstruction/Improvement must be prepared and signed by a Licensed General Contractor.

<table>
<thead>
<tr>
<th>ITEMS</th>
<th>COST Labor + Materials</th>
<th>Recon/Repair Ratio of work</th>
<th>Official Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete, Form, ETC</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Carpentry Material (rough)</td>
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<tr>
<td>Carpentry Labor (rough)</td>
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<tr>
<td>Roofing</td>
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<tr>
<td>Insulation &amp; Weather Strip</td>
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<tr>
<td>Exterior Finish (stucco)</td>
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<tr>
<td>Doors, Windows &amp; Shutters</td>
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<tr>
<td>Lumber Finish</td>
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<tr>
<td>Carpenter labor, finish</td>
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<tr>
<td>Hardware, (finish)</td>
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<tr>
<td>Hardware, (rough)</td>
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<tr>
<td>Cabinets (built-in)</td>
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<td>Floor covering (tile/rug)</td>
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<tr>
<td>Plumbing</td>
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<tr>
<td>Shower/Tub/Toilet</td>
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<td>Electrical</td>
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<tr>
<td>Light Fixtures</td>
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<tr>
<td>Built-in Appliances</td>
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<td>HVAC</td>
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<td>Paint</td>
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<td>Demolition and Removal</td>
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<tr>
<td>Overhead and Profit</td>
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</tbody>
</table>

**Total**

(Please attach any additional information)

**Contractor Name:**

**CGC Lic #:**

**Address:**

**Phone #:**

**Signature:**

**Date:**
NOTES.

1. This installation must conform to the National Electrical Code and any applicable local codes and ordinances. See local authorities for any requirements beyond those listed. The maintenance and future repair of the entire meter pole installation is the responsibility of the customer. This includes any future replacement of rotten poles and assurance that the pole is to remain plumb and stable. Location of service should be specified by Alabama Power Company.

2. The customer shall furnish and install service entrance cable sized as shown below.

<table>
<thead>
<tr>
<th>Current Capacity</th>
<th>Size</th>
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</thead>
<tbody>
<tr>
<td>60 Amp Entrance</td>
<td>#6 Cu. or #4 Al.</td>
</tr>
<tr>
<td>100 Amp Entrance</td>
<td>#4 Cu. or #2 Al.</td>
</tr>
<tr>
<td>150 Amp Entrance</td>
<td>#2 Cu. or #2/0 Al.</td>
</tr>
<tr>
<td>200 Amp Entrance</td>
<td>#2/0 Cu. or #4/0 Al.</td>
</tr>
</tbody>
</table>

3. The customer is to furnish and install cable struts using screws at 30 inch intervals. Struts must be installed within 12 inches of the meter socket and the gusset, also at the top of the SE cable. Weatherhead or gusset should extend to within 18" of the top of the pole.

4. This single phase meter socket will be furnished by Alabama Power Company and installed by the customer.

5. The outdoor breaker panel is to be furnished and installed by the customer. Weather proof box GFI type over current devices must be used on temporary service installation.

6. The treated wood pole is to be furnished and installed by the customer and shall be a minimum of 18 feet in length and set to a minimum depth of 4 feet. If service crosses a road consult an Alabama Power Company representative for the proper height. When the soil is bedded around the pole, it should be adequately tamped. Adding medium crushed stone in the hole will add stability to the pole. The pole may be round, square, or rectangular and shall have the following minimum dimensions:

- Round Pole: 5" Top Diameter
- Square Pole: 6" x 6" (5.5" x 5.5" Finished Dimensions)
- Rectangular Pole: 4" x 8" (3.5" x 3.5" Finished Dimensions)

Alabama Power Company will perform stability test to insure the pole is stable before starting work. If pole fails to meet the stability requirements, Alabama Power Company will not connect service.

7. Alabama Power Company will connect the overhead service drop conductors and the service entrance conductors and tape the connections of the service entrance (SE) cable with tape.

8. The customer shall supply the service entrance cable where it enters the top of the meter socket with a weather tight bushing and seadnut.

9. The conduit for the service entrance conductors is to be furnished and installed by the customer. When PVC conduit is used, NEC requires it shall be gray schedule 40 or 80 conduit. When PVC conduit is used, ground should extend into meter socket unless specified by local inspection authority.

10. A ground rod is required. It is to be furnished and installed by the customer. Use 3/4" x 8' galvanized pipe, 1/2" x 8' copper clad rod, or 5/16" x 6' solid galvanized steel rod installed in accordance with the National Electric Code.

11. Customer to furnish and install ground conductor (#6 copper minimum).

12. A National Electric Code approved clamping must be installed connecting the copper wire to the ground rod.

13. The customer shall install the breaker panel and meter socket using galvanized screws on a pressure treated beam, 2" x 12" x 36", or pressure treated plywood 3/4" x 12" x 36". The board or plywood is to be attached to the pole using galvanized lag bolts or galvanized bolts through the pole.
ARTICLE 6
DISTRICT REQUIREMENTS

SECTION 1  SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

This District is provided to afford the opportunity for a choice of low density residential environment consisting of single family homes.

A.  Uses Permitted

1. Single Family Residences
2. Accessory buildings and uses including garages, utility buildings for storage of lawn equipment, etc., and home swimming pools located on the same lot or parcel as the principal structure; provided all pertinent sections of this Ordinance are met.

B.  Uses Requiring Review

1. Wharfs, piers, boat lifts and boat docks as an accessory structure.
2. Home occupations.
3. Schools and educational institutions.
4. Churches with attendant building and facilities.
5. Bed and Breakfasts
6. Public Utility and service structures including but not limited to water, sewer, fire and police uses.
7. Public parks and recreational areas.
8. Buildings used exclusively by federal, state, county or city government for public purposes.

C.  Special Exceptions

1. Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
2. Country Clubs and their customary accessory uses.
3. Stadiums in conjunction with school facilities.
4. Cemeteries - humans only.

D.  Site and Building Requirements

1. Front Yard Requirements. Thirty (30) feet from street right-of-way.
2. Rear Yard Requirements. Ten (10) feet from the property line.
a. Interior lots greater than fifty (50) feet in width, ten (10) feet each side; interior lots fifty (50) feet or less in width, five (5) feet on one side and eight (8) feet on the other.

b. Corner lots greater than fifty (50) feet in width, twenty (20) feet on a side street; corner lots fifty (50) feet or less in width, ten (10) feet on side street.

4. Waterside Yard Requirements. Twenty-five (25) feet from the bulkhead or if no bulkhead exists, then the imaginary line connecting the bulkheads on adjacent properties. If there are no bulkheads on the adjacent properties, then the setback shall be twenty-five (25) feet from the mean high tide line.

5. Building Height Limits. Maximum height of fifty-five (55) feet.

6. Minimum Floor Area and Conditions.

a. Six hundred (600) square feet per dwelling unit, exclusive of stoops, steps, porches, decks and garages.

b. Detached garage or other buildings not closer than seventy (70) feet from street right-of-way or lot line; or three (3) feet to interior lot line.

E. Off-Street Parking Requirements

See Article 8

F. Signs

See Article 9
AN ORDINANCE TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY, WELFARE AND
AESTHETIC BEAUTY OF THE TOWN OF DAUPHIN ISLAND, ALABAMA KNOWN AS
THE TREE ORDINANCE WHICH REPLACES AND REPEALS ORDINANCE NO. 87A.

WHEREAS, the Town Council of the Town of Dauphin Island may enact ordinances to protect the
health, safety, and welfare of Dauphin Island and;

WHEREAS, Dauphin Island is a barrier island that hosts a variety of indigenous species of trees,
bushes, and other vegetation that literally hold the island together and;

WHEREAS, depletion of these plants endangers not only the landmass of the island, but is also
exceedingly harmful to the wildlife, ecology, natural hurricane resilience, economy, and property of
neighbor and;

WHEREAS, migratory bird species depend on our unique vegetation for food, recovery, and
nesting before continuing their seasonal migration to other states and countries, and a wide variety
of local species depend on these same trees and vegetation for weathering storms, winter cold, and
as a food source and;

WHEREAS, our vegetation is equally threatened and is unique from most mainland species,
provides predator protection, mating accommodation, nesting for birds, is an important ecological
feature for preservation of threatened reptiles and amphibians, and is a critical element in the
island's rich history and;

WHEREAS, erosion is a constant threat to the landmass of a barrier island, and when a tree is
destroyed, the soil it took to build that tree is forever lost. The absence of the trees lateral root
network, usually entwined with the "mat" of surrounding trees, results in the washing away of
topsoil and elevation into ditches where it is carried away and;

WHEREAS, since stands of mature trees can reduce the force of hurricane winds by as much as
70% or more, the removal of trees will most certainly expose the Town of Dauphin Island to
substantially more risk and damage, increasing insurance costs for the community, reducing
property values and, in short, placing the residents of the Town of Dauphin Island in harm's way,
economically, physically and aesthetically and;

NOW THEREFORE BE IT ORDAINED by the Town Council for the Town of Dauphin Island,
Alabama that the Tree Ordinance shall be as follows:

TREE AND VEGETATION PRESERVATION

Section A. Purpose

The purpose of this ordinance is to preserve, protect, replace and properly maintain trees and
vegetation within the Town as such plantings:

1) Are an important public resource;
2) Preserve and enhance the Town's natural and aesthetic environment, especially its natural
and unique atmosphere;
d) Heritage trees, as defined in Section H, located in any other area of the lot, will be mitigated at five hundred dollars ($500.00) per tree. This mitigation fee is a non-negotiable fee to be paid when obtaining a tree removal permit prior to the removal of any single Heritage Tree and the fee shall be deposited in the Town’s Environmental Mitigation Fund (noted in Section D herein). Violations of this Section are punishable pursuant to Section G herein.

3) Vegetation Removal. Vegetation removal does not require a separate permit when taking place under a tree removal permit. Vegetation is not mitigated. Replanting of vegetation is strongly suggested and native vegetation is preferred. A brochure entitled 'Desirable Native Plants of Dauphin Island' by J. McCune Dudley, with listings of desirable native plants for the island, may be obtained through Dauphin Island Town Hall.

Oversight of the tree removal project will be performed by the Town Building Inspector and/or Zoning/Code Enforcement Officer.

4) Developed Land

In determining whether to grant or deny a permit the Inspector shall consider:

a) the effect of the proposed tree removal upon the stabilization of soil;

b) the intended use of the property and feasible alternatives which would preserve existing trees;

c) the existing topography, proposed changes in the topography and proposed landscaping;

d) the hardship imposed, or the reasonable use denied to the applicant as a result of permit denial; Note: economics does not constitute a hardship.

e) heritage value of the trees;

f) good horticultural and forestry practices;

g) the likelihood that the proposed action will adversely affect the control of flooding or soil erosion;

h) the impact of such action on surrounding property or persons;

i) the consistency of the proposed action with the purpose of this section.

Section C. Permit Process

Tree removal permits shall be issued only after the Inspector/Officer has received the tree removal application package including, but not limited to, photographs of the property with trees to be removed marked thereon; and a completed application for such permit which has been signed by the property owner. In the case of new construction, the applicant is required to present a survey of the property including the location of the principal structure, the location of the proposed driveway, and the identification and location of existing trees and/or vegetation (4" or greater in diameter at DBH) and vegetation. Neither a tree removal permit nor a building permit will be issued without this survey. Also, in the case of new construction, the mitigation must be accomplished prior to the issuance of a Certificate of Occupancy.
4) **Unapproved Removal of Trees** - Unauthorized removal of trees either by a property owner or a contractor is in violation of the Tree Ordinance. A tree removal application, signed by the property owner, must be submitted to obtain a Tree Removal Permit. The application will be reviewed, and a site visit will be performed by the Building Inspection Department prior to the issuance of a Tree Removal Permit. Both the property owner and the contractor shall be responsible for fines for taking of unauthorized trees, and a Certificate of Occupancy shall be withheld until all fines are satisfied. Repeated violations by contractors could result in cancellation of business license.

5) **Damaging Unapproved Trees While Removing Approved Trees** – Accidental and/or collateral damage to trees unauthorized for removal during construction must be avoided. Should an unapproved tree be damaged so as to consider it dying or destroyed, the applicable fine for taking of unauthorized trees shall apply. Both homeowner and contractor shall be jointly responsible for such damage and payment of the fine. A Certificate of Occupancy shall be withheld or a lien on the title shall be filed, as applicable, until the fine is paid in full.

6) **Destruction of Trees by Other Means** – Destroying trees by means other than authorized removal (poisoning, destroying the root system, burning, etc.) is strictly forbidden. Doing so will result in the same punishment as tree removal.

7) **Harvesting Trees for Profit** - Harvesting of trees for profit (pulp wood, pilings, utility poles, etc.) is strictly forbidden. Dauphin Island tree grain is twisted from hurricanes and unsuitable for most applications.

8) **Failure to Pay Mitigation Fee when Obtaining Tree Removal Permit** – When removing trees listed in this Ordinance, a mitigation fee shall be paid per tree when obtaining a tree removal permit. If an individual or contractor does not pay for all mitigation fees prior to tree removal, said individual and/or contractor shall be subject to fines and penalties listed in Section G herein.

**Section F. Exempt Trees**

The following species, which are difficult to control or otherwise unsuitable for this area, and are exempt from the mitigation requirement of this ordinance:

*Triadeca sebifera* (also known as *Sapium sebiferum*), Chinese Tallow (Florida aspen, Chicken tree, Popcorn tree, Candleberry tree);

Dead trees;

Diseased and/or Detrimental trees (as determined by a forester/arborist);

Damaged trees (e.g., trees damaged by an act of nature or fire, and determined to be dangerous by the Town Inspection Department);

Trees that pose an eminent threat to life or property.

Note: Consistent with a public utility company Franchise and pole line permit, trees determined by a public utility company to be potential dangers to the safe operation of the public utility system are exempt from the requirements of this ordinance.
1st Reading: 8-12-19
Council Public Hearing: 
2nd Reading: 8-20-19
Adopted: 8-20-19
Posted: 8-22-19
Effective Date: 8-27-19
ARTICLE 7. SUPPLEMENTAL REGULATIONS

SECTION 7. LAND DISTURBANCE REGULATIONS

WHEREAS, this ordinance controls the discharge and surface runoff of eroded soil, sediment and other pollutants from land on which land-disturbing activities are conducted, to the maximum extent practicable, and provides enforcement procedures and penalties to ensure compliance with such controls; and,

WHEREAS, the objectives of this ordinance are to:

A. Control filling, grading, dredging, and other land disturbances which may increase erosion; and,

B. Maintain and enhance community waters into which storm water outfalls flow, including, but not limited to lakes, streams, ponds, wetlands, sinkholes, and groundwater of the Town; and

C. Preserve and enhance the landscape by encouraging the maximum retention of natural topographic features, such as drainage swales, streams, slopes, vistas, natural plant formations and trees; and,

D. Minimize water runoff and soil erosion problems incurred in clearing and grading; and,

E. Provide for application, inspection, surveillance and monitoring procedures necessary to determine compliance and non-compliance with any land-disturbing activities in accordance with the provisions contained herein; and,

F. To prevent land change which could lead to erosion without proper authorization from the Town;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama that the following Land Disturbance Ordinance be, and the same hereby is ordained as follows:

A. Purposes

The purpose of this section is to promote the public health, safety and welfare of the community and the environment of the island through establishment of comprehensive regulations for control of erosion, sedimentation, and stormwater runoff and retention/detention, designed to minimize loss of property and vegetation, prevent unnecessary disruption of commerce and public service in times of flooding, avoid unnecessary and extraordinary expenditures of public funds, and contribute to the maintenance of a stable tax base. The purpose of this section is to also establish the requirement of permits for land disturbing activities and the fees for administration of the permits.
application, a tree removal permit application, and a culvert application (if necessary) have been filed, along with a site grading and drainage plan, which shall be approved by the Building Inspector and/or their designee prior to issuance of said permits.

(2) Tree removal proposed in conjunction with land-disturbing activity, with or without a building permit, requires a separate tree removal permit.

(3) Driveway and/or yard culvert installation in conjunction with land-disturbing activity, with or without a building permit, requires a separate culvert permit.

(4) Application for land-disturbing activity permits shall be made to the Town and no permit shall be issued or shall any site grading and drainage plan be approved, until the applicant has furnished satisfactory evidence that all applicable provisions of this article and the site control, vegetation/tree removal, erosion, and drainage standards are met.

(5) A land-disturbing activity permit shall not be required in the case of:
   a) Land-disturbing activity proposed in conjunction with such minor land-disturbing activities as home gardens, individual home landscaping, lawn maintenance (mowing, weeding, shrubbery trimming), minor repairs, and maintenance work.
   b) Construction or maintenance of electric, telephone, or cable lines.
   c) Construction or maintenance of underground utility lines in an existing hard-surfaced street, alley or sidewalk provided the activity is confined to the hard-surfaced area; construction or maintenance of individual underground utility connections.

(6) Notwithstanding the exclusions contained in this section, the Town is specifically authorized to control or regulate, by means of a permit for land-disturbing activity, all land-disturbing activities which encroach on or obstruct any public or private storm drainage facility.

G. Fee.

(1) Generally. A fee of Twenty five ($25) Dollars shall be charged and paid to the town by each person obtaining a permit for land-disturbing activities, to aid in defraying the cost of reviewing site grading and drainage plans, making on-site inspections and providing the other services required in the administration of this section.

(2) Penalty. The required permit fee shall be Five Hundred ($500) Dollars when any work commences prior to securing the appropriate permit.

(3) Non-Completion. In the event work is not completed within six (6) months of the issuance of the land-clearing permit, application for a new permit must be submitted and approved prior to work beginning anew.
ARTICLE 10

DUNE PROTECTION OVERLAY DISTRICT (DPOD) REQUIREMENTS

SECTION 1 INTRODUCTION

Dauphin Island is defined by its natural resources, one of which is the dune field. As a resilient natural barrier to the destructive forces of wind and waves, sand dunes are the most efficient defense against storm-surge flooding and beach erosion. Dunes absorb the impact of storm surge and high waves, preventing or delaying intrusion of waters into inland areas. Dunes hold sand that replaces eroded beaches after storms and buffer windblown sand and salt spray.

Beach and dune protection is important along the Alabama Gulf Coast, particularly in areas experiencing shoreline erosion and concentrated urban development. The growth of mainland coastal population centers and the increasing development and recreational use of the barrier islands can impact the stability of the dune environment. Construction and heavy recreational use of the beaches can contribute to fragmentation of the beach/dune system and deterioration of dunes. The vegetation that secures sand is destroyed, sand is lost, and the dune line is breached by roads, trails, and storm runoff. Dune damage that results from human activities accelerates the damage caused by wind and wave erosion. Inland areas become more vulnerable to hurricanes and tropical storms when the dune line is weakened. Protecting dunes helps prevent loss of life and property during storms and safeguards the sand supply that slows shoreline erosion. Protecting dunes also preserves and enhances the beauty of the coast and coastal ecosystems.

To succeed, dune improvement and protection efforts must be undertaken by federal, state, and local governmental entities. But even more valuable are efforts by those who live on the coast. Dauphin Island will continue to attract Alabamians and other visitors in ever-greater numbers for years to come. With this in mind, the Town of Dauphin Island created and adopted a Sand Dune Protection & Management Plan as an addition to the Comprehensive Plan including a Dune Protection Overlay District and Guidelines. With the adoption of the Dune Protection Overlay District (DPOD) to the Town’s Zoning Ordinance #96, Article 10, the Town of Dauphin Island is working to ensure the long-term protection of the dunes.

SECTION 2 PURPOSE AND OBJECTIVES

The purpose of this article is to create and implement reasonable and responsible regulations that will protect the public investment in the beaches and dunes, and to protect public and private infrastructures. The regulations are intended to prevent harm or degradation to the valuable and protective sand dune resources from unauthorized foot or vehicular traffic, unauthorized digging, or other unnatural alteration of the dunes, unauthorized staging of construction materials or other unauthorized construction activity, installation of vegetation inconsistent with sand dune systems, pet activity, or other unauthorized or disturbing activities that may lead to the gradual, immediate, or cumulative degradation of the natural or restored dune resources.

The Town’s objective in this effort is to identify policies important in ensuring the integrity and functional values of the Island’s sand dune system are not compromised by anthropogenic
alterations such as removal, leveling, excavation, vegetation degradation or removal, or placement of structures.
STREETS AND AREAS WHOLLY OR PARTIALLY ENCOMPASSED WITHIN THE DUNE PROTECTION OVERLAY DISTRICT (DPOD):

1. PORTIER COURT
2. PONCHARTRAIN COURT
3. PONCE DE LEON COURT
4. BIENVILLE BOULEVARD
5. PEQUENO STREET
6. OLEANDER LANE
7. OLIVE LANE
8. OSPREY LANE
9. ORLEANS DRIVE
10. MONBRAUT PLACE
11. MISSISSIPPI STREET
12. LOUISIANNE AVENUE
13. LONGFELLOW PLACE
14. LASALLE STREET
15. TITUS PLACE
16. IBERVILLE DRIVE
17. HUNLEY PLACE
18. HERNANDO PLACE
19. HERNANDO STREET
20. ISABELLA COURT
21. MALDANO COURT
22. LENORA COURT
23. ARIAS COURT
24. GENERAL GORGAS STREET
25. GENERAL WILKINSON PLACE
26. FORT TOMBREE PLACE
27. FORNEY JOHNSTON DRIVE
28. ADMIRAL SEMMES
29. BUCHANAN STREET
30. SAND CASTLE CONDOMINIUM
31. SURF CLUB
32. AUDUBON PLACE
33. AUDUBON STREET
34. AUDUBON BIRD SANCTUARY
35. AGASSIZ STREET
36. ANTARCTIC DRIVE WEST
37. ANTARCTIC DRIVE SOUTH
38. ANTARCTIC DRIVE EAST
39. ADMIRAL STEWART CIRCLE
40. AUBURN UNIVERSITY SHELLFISH LABORATORY
41. ALBATROSS STREET
42. FORT GAINES
SECTION 4 GENERAL PROVISIONS

The following regulations generally apply to all properties located within the Dune Protection Overlay District (DPOD). The DPOD consists of lands south of Bienville Boulevard from the east end of the Island to the point where Bienville Boulevard narrows to two lanes, see DPOD Boundary Map in Section 3 of this Article for exact location.

Compliance With Other Laws: The Alabama Department of Environmental Management (ADEM) has statutory authority to regulate specific activities within their Coastal Area Jurisdiction of Dauphin Island. All properties located in the Dune Protection Overlay District are subject to the following regulations before the issuance of a Coastal Use Permit.

A. In general, development within the Dune Protection Overlay District will use the same application and permits process used in all other areas of Dauphin Island. Additional requirements which are specific to the Dune Protection Overlay District are primarily focused on ensuring no degradation to the dune system or contour occurs. Toward this end there are more specific documentation requirements in the land survey and the Site Plan. A detailed process description and all deliverables are included in Section 12 of this Article.

B. A Dune Protection Overlay District (DPOD) Site Plan Review Committee (SPRC) has been established with members consisting of Planning Commission, Board of Adjustment and Town Council members, as well as members from the citizenry of Dauphin Island. All applications within the Dune Protection Overlay District (DPOD) require review by the DPOD Site Plan Review Committee (SPRC) and the Dauphin Island Planning Commission.

C. Permit Required: A Coastal Use Permitting Program has been established to protect the valuable beach and dune resources from adverse impacts associated with construction and other activities. A Coastal Use Permit shall be issued by the Building Official, and the permit fee required by this Ordinance shall be paid by the applicant before any new construction can begin or any modifications, alterations, extensions, or expansions can begin on an existing structure. A courtesy notice will be sent to adjoining property owners when an application for a Coastal Use Permit will be presented at a Planning Commission meeting for consideration and possible decision.

D. Development activities in the DPOD are required to adhere to existing Town ordinances, which include:

- Land Disturbance
- Tree Removal
- Flood Damage Prevention
- Building Code
- Sand Removal
- Easie Zoning

E. Compliance Review Required: Any disturbance to the dune such as dune alteration, excavation, vegetation removal, and placement of structures, will be subject to inspection
by the Building Official to ensure any adverse impacts associated with construction and other activities have been rectified to the disturbed area of the dune. Any pre-approved construction-stage, temporary alteration of the dune or dune vegetation must be repaired after completion. If re-vegetation is necessary, the dune must be re-stabilized with native dune plants. These requirements must be completed, inspected, and approved prior to the issuance of a Certificate of Occupancy (CO).

F. Maintenance: Encroaching sand from the dune system may be removed from lots but is required to be relocated within the dune system, provided that it is placed as near to the excavated site as practicable, as determined by the DPOD Site Plan Review Committee and Building Official. Each application for the removal of encroaching sand will be determined on a case-by-case basis. A plan including methods for sand removal, transport, and placement will be required to adhere to existing land disturbance regulations and permitting.

G. Prohibited Activities: Any use or activity that impairs the natural function of the dune system or has the potential to cause significant adverse long-term impacts to the natural function of the dune system is prohibited, including the following. All prohibited activities are subject to the fines and penalties set forth in this Ordinance.

- No person shall remove beach sands and/or vegetation or otherwise alter the contours of the dune system, between mean high tide and the area 25 feet seaward of the south toe of the dune system.
- Paving, grading, or altering a dune within the footprint of the lowest floor of a structure in any manner will be prohibited.
- No person shall operate a motorized vehicle of any type on the dune system except for official and/or emergency vehicles.
- Removal of vegetation from any dune, and the excavation, bulldozing, or alteration of dunes are prohibited, unless these activities are a component of a Town-approved beach and dune management plan.

H. All construction must incorporate 'Best Practices' methods. The dune system must not be mined, excavated, or altered such that the erosion and storm surge protection and ecological and aesthetic values afforded by them are diminished. Additionally, the following activities must be considered when constructing a structure on the dune:

- Reducing sand height must be avoided
- Excavation of dunes must be properly reviewed and permitted, and minimized to the greatest practicable extent.
- Vegetation removal must be properly reviewed and permitted, and minimized to the greatest practicable extent.

I. Any structure built on or over a dune will require at least two (2) feet of clearance above the portion of the dune within the structure footprint. Elevated dune walkovers shall be designed and constructed using ADRM Section 8 standards.
J. All habitable structures may, with proper permitting, share a dune walkover with adjoining neighbors, pending review of a proposal for the shared walkover by the DPOD Site Plan Review Committee (SPRC) and Town of Dauphin Island Planning Commission.

K. Due to the seasonal population of the Island, it is necessary to educate and inform visitors that the dunes are fragile and it is illegal to trespass on them. Signage must be installed and maintained on all dune walkovers to notify beach goers. Signs are provided by the Town of Dauphin Island and issued to property owner when an application for dune walkover construction is received. The SPRC will recommend proper placement of sign on property. This shall be notated on the Site Plan.

L. Where the intent of the property owner is not to cross the dunes in any manner whatsoever, sand fencing is required at the property/dune interface and, a provision to prevent pedestrian traffic must be employed, e.g., signage stating that no crossing of the dunes is allowed.
SECTION 5  DEFINITION OF DUNE TERMS

The following words and terms, when used in this regulation, have the following meaning unless the context clearly indicates otherwise.

**Accidental Event** means a sudden, unintended, and unexpected occurrence that results in damage or loss of property.

**Act of God** means a sudden and inevitable occurrence caused by natural forces and not by the agency of man, such as a flood, earthquake, or a similar catastrophe.

**ADEM** means Alabama Department of Environmental Management.

**Alter** means to means to change an existing structure for purposes other than to enhance its integrity or value.

**Beach** means that area which extends from the mean high-water line of the Gulf of Mexico and Mobile Bay landward 1,000 feet and seaward 2,500 feet, respectively.

**Berm** means a level space, shelf or raised barrier (usually made of compacted soil or deposited sand) separating two areas. It can serve as a fortification line, a border/separation barrier, or in many other applications.

**Buildable Lot** means a lot upon which construction of a structure is permissible by all State, Federal, and local codes and regulations.

**Building** means any roofed and walled structure built for permanent or semi-permanent use.

**Bulkhead** means an upright structure or partition built parallel or nearly parallel to the shoreline, primarily to retain or prevent land from sliding and secondarily, to protect upland from beach erosion and damage from wave action.

**Caliper** means diameter of a stem 6 inches above the nursery planting line.

**Contour** means an imaginary line on the land surface that connects points of equal elevation.

**Construction Control Line (CCL)** means a line generally paralleling the coast, seaward of which construction of any kind shall be prohibited without a permit or letter of approval.

**Coastal Use Permit** means the permit obtained to perform any land disturbance, tree removal, new construction and/or alterations in the 'Dune Protection Overlay District' of Dauphin Island, AL.

**Construction** means any work or activity which is likely to have a material physical effect on existing coastal dune conditions and processes.
**Damage to Dunes** means, including, but not limited to, any alteration of the existing characteristics of the dune that could significantly increase the danger of erosion, storm damage or flooding and includes the moving, digging, or removal of beach or dune, or the erection of any temporary or permanent structure without the first obtaining an authorized permit.

**Deck** means an open platform extending from a house or other building.

**Diameter Breast Height (DBH)** means the measurement method you use to measure a tree. At 4-1/2 feet above the ground, wrap a measuring tape around the trunk of the tree. Divide the measurement by 3.14 to get the diameter, also known as DBH (diameter at breast height). On steep slopes, measure this distance on the uphill side of the tree. Trees with multiple tree trunks should be treated as multiple trees and the DBH of each trunk added to the aggregate diameter measurement.

**Dune** means a mound, hill or ridge of windblown sand, either bare or covered with vegetation, naturally or artificially accumulated.

**Dune Crest** means the highest land of any dune.

**Dune Protection Overlay District (DPOD)** means the properties lying within the DPOD and shown on Zoning Map.

**Dune Protection Overlay District Site Plan Committee** means a committee consisting of members of Planning Commission, Town Council, and Board of Adjustment created to oversee the application and permit process for construction in the DPOD.

**Dune Toe** means the lowest point on a slope of a dune or bluff.

**Dune Walkover** means an elevated walkway or boardwalk constructed over a sand dune to allow pedestrian access without causing damage to the dune itself.

**Edge Effect** means changes in population or community structures that occur at the boundary of two or more habitats. Areas with small habitat fragments exhibit especially pronounced edge effects that may extend throughout the range.

**Emergency** means any unusual incident which endangers the health safety or resources of the general public, including damages or erosion of any shoreline resulting from a hurricane, storm, or any such natural disturbance.

**Encroaching Sand** means the natural movement and accumulation of sand where prevailing onshore winds blow sand inland. This action causes sand particles to "migrate" inland, as it does so it accumulates and advances beyond proper, established, or usual limit.
Erosion means the wearing away of land or the removal of beach and/or dune material by wave action, tidal currents, littoral currents or deflation. Erosion includes but is not limited to horizontal recession and scour and can be induced by human activities.

Excavation means the process of digging out material.

Expansion means the enlargement of a structure.

FEMA means the Federal Emergency Management Agency of the United States Government. This agency administers the National Flood Insurance Program and the Flood Insurance Rate Maps.

Fill means a deposit of earth material placed by artificial means.

Filling means the process of depositing or placing material to raise the level of a certain area or to change the type of soil of the area.

Footprint means the perimeter of the area occupied by the structure including any roof overhangs, decks, stairways, or other permanent attachments.

Fragmentation means the process whereby a large patch of habitat is broken down into many smaller patches of habitat, resulting in a loss in the amount and quality of habitat.

Geology means the relationship of the earth and the materials of which it is composed, to the changes which it has undergone, is undergoing, or is likely to undergo.

Hydraulics means the effects of water or other fluids in motion.

Improve means to change an existing structure in order to enhance its integrity or value.

Intertidal Pond means a water-filled depression between coastal sand dunes.

Intertidal Wetland means a water-filled expanse of area between coastal sand dunes. They typically remain inundated with water and are very shallow and provide an abundant source of invertebrates eaten by many species of shorebirds. Many intertidal wetlands are ephemeral, drying out during periods of low rain or low water.

Land Disturbance means any alteration to the natural state of a piece of land.

Littoral means pertaining to the shore of a sea.

Littoral Drift means material such as sand and stones moved near the shore in the littoral zone under the influence of waves and currents.

Lowest Habitable Floor means the lowest portion of the lowest horizontal support member of the lowest enclosed space used for living purposes, which includes working, sleeping, eating, cooking,
recreation, or combination thereof. A floor used only for storage shall not be considered a habitable floor.

**Maintenance (Maintenance Activities)** means those activities involved with repairing and/or renovation existing structures and those that do not alter or increase the foot print of existing structures. Adversely impact dunes and/or dune vegetation. Maintenance activities include, but are not limited to: repairing or replacing siding, steps, roofs, windows, doors, fences, sidewalks, dune walkovers, landscaping.

**Mast or Mastling** means is the production of many seeds by a plant every two or more years in regional synchrony with other plants of the same species.

**Material Physical Effect** - See Damage to Dunes.

**Modification** means a partial change in the form of a structure.

**Niche** means a unique ecological role of an organism in a community.


**Observation Deck** means a deck constructed to stand alone away from other structures and used for observation.

**Repair** means the act of restoring a structure to good condition after it has been damaged. Repair does not mean expansion or modification of a structure.

**Retaining Wall** means a structure designed primarily to contain material and to prevent the sliding of land.

**Sand Barren** means an area of exposed sand with short trees, shrubs, and grasses.

**Sand Dune Protection and Management Plan** means the plan adopted by the Town of Dauphin Island as Appendix A of the Comprehensive Plan, for the purpose of imposing reasonable regulations that will protect the public investment in the beaches and dunes, and to protect public and private infrastructures. The regulations are intended to prevent harm or degradation to the valuable and protective sand dune resources.

**Sand Fence** means a barrier made of posts, wires and boards or synthetic materials including plastic, nylon, and polyester intended primarily to trap and collect wind-blown sand, but which may also be used to channel human and vehicular traffic.

**Shoreline** means the line of intersection of a body of water with the land.
Site Plan Review Committee (SPRC) means a committee established by the Town of Dauphin Island to provide assistance with the development process within the Dune Protection Overlay District (DPOD) and oversee and review all applications within the DPOD.

Slope means a part of the side of a dune, the surface of which at one end or side is at a higher level than another; a rising or falling surface.

Substantial Amount means any amount, the moving, alteration, or removal of which could significantly increase danger of erosion, storm, damage, or flooding.

Substantial Change means any alteration in the existing characteristics of the dune that could significantly increase the danger of erosion, storm damage or flooding and including the moving, digging, or removal of beach material or the erection of any permanent or semi-permanent structure.

Temporary Structure means any not permanent, non-habitable structure that can be easily removed from the site within a short time frame using minimal equipment and man power. Examples include, but are not limited to, signs, benches, sheds, ramps, steps, or walkways.

Vegetation means all the plants or plant life of a place, taken as a whole.

Wattle means logs created of straw and wood and contained in a fabric sheath and are used as an erosion and sediment control device. Wattles assist in stabilizing disturbances by shortening the slope lengths, reducing water flow velocities, and sand movement by trapping sediment.
SECTION 6  ALLOWABLE USES AND ACTIVITIES

All uses allowed in the underlying zoning districts encompassed within the Dune Protection Overlay District (DPOD), which are classified as Uses Permitted, Uses Requiring Review, or Special Exceptions, are allowable uses in the DPOD. Refer to Article 6: District Requirements section of this Ordinance for uses allowed in each zoning district. All applications within the DPOD require review and approval by the DPOD Site Plan Review Committee and the Dauphin Island Planning Commission before the issuance of a building permit.

The following list of activities are allowed activities within the DPOD. All activities within the DPOD require review by the DPOD Site Plan Review Committee and the Planning Commission:

- The construction and maintenance of walkways which do not alter the contour of the sand dunes;
- The construction and maintenance of observation platforms and/or piers which are not an integral part of any dwelling and which do not alter the contour of the coastal sand dunes;
- The planting of beach grasses or other appropriate dune vegetation for the purpose of stabilizing sand dunes;
- The placement of sand fences on or adjacent to sand dunes for the purpose of stabilizing and enhancing the formation of such features;
- The conservation and research activities of the Dauphin Island Sea Lab, Alabama Department of Conservation and Natural Resources, Audubon Society, Dauphin Island Park and Beach Board and other conservation, and research-related agencies and entities; provided that said activities have no construction or excavation components, or would otherwise alter the contour of the coastal dunes.
SECTION 7: SITE PLANNING REQUIREMENTS APPLICABLE TO ALL CONSTRUCTION

Excavation volumes causing impacts to steep slopes are a direct measure of the extent of disturbance and can change the essential character of the dunes. Sand that is not contained and is disturbed is subject to wind and rain erosion, which can lead to creation of a dune blowout and spreading damage.

Construction impacting slopes of 15 degrees (15°) or greater must incorporate the following management practices that minimize the amount and disturbance of soils as part of planning, construction, and long-term stabilization of the site.

The following are guidelines on minimizing impacts to the dune system.

A. Minimizing Disturbed Area:

- In the Dune Protection Overlay District thirty percent (30%) of the total area of the lot shall remain undisturbed and its natural condition. This requirement supports soil stabilization on the lot while ensuring proper storm water provisions have been met.
- Construction and development must, wherever possible, avoid areas with slopes greater than 30 degrees (30°).
- Utilize areas that will not affect the dune slope. The Planning Commission may recommend setback adjustments in order to protect dune slopes.
- Utilize areas that may have been previously cleared or graded for construction.
- The SPRC shall recommend a minimum construction setback for equipment movement or storage. In no case, should this include areas with greater than a 30 degrees (30°) slope. A temporary fence or other type of demarcation method shall be installed to identify the construction boundary.
- Locate residential structures as close to the street as possible.
- Eliminate or minimize all impervious surfaces.
- The development of a plan for a driveway should include consideration of the use of retaining walls or similar measures, if feasible, to minimize the impact of the driveway, parking, turnaround areas, etc. on the lot. Driveways will be limited to fit within the linear width of the primary structure, and it is strongly recommended that driveways utilize permeable materials that provide maximum porosity and drainage to mitigate erosion caused by stormwater (surface water flow). If an existing driveway needs to be re-graded, it must be regraded within the existing driveway footprint/corridor (no expansion of width or length).

B. Minimizing Impacts to Ecological Communities:

- Avoid impacts to areas of ecological significance (interdunal pond/wetland, sand barren, open dunes, vegetation).
- Maintain continuity of vegetation (minimizing edge effect).
- Utilize demarcation fencing to isolate critical areas (wetlands, watercourses, vegetation protection).
- Construction equipment traffic must be minimized.
C. Minimizing Soil Movement:

- Limit the difference between cut and fill volumes balancing volumes of like material on site.
- Do not bring new fill on the site as it may bring invasive, exotic (non-native) seeds or damaging fungus. Removing soils removes seeds of native plants and any topsoil and organic material from the site.
- Limit impacts that facilitate slope failure and erosion, including control of stormwater and impacts to slopes offsite. Utilize erosion control measures at both the bottom of the slope (to protect uphill from construction) and at the top of the slope (to protect areas downhill from construction occurring along the crest of a slope).
- Demarcate limits of clearing, grading and vegetation removal to avoid accidental damage to slopes and vegetative roots that support slopes. Demarcation discourages materials and equipment from being stored, used or driven outside the impact area. Said demarcation will be accomplished prior to any land disturbance, tree removal or construction, and will be documented by the Town of Dauphin Island Building Official with photos prior to permit issuance.
- Utilize a park-and-walk scenario with a boardwalk, stairway, or lift for access if constructing a driveway would impact dune slope.

D. Minimizing Impacts from Utilities:

- Utilize underground utility corridors in new construction projects (adjacent to access roadways) and impact slopes 15 degrees (15°) or less.
- Utilize hand trenching for utilities in projects covering relatively short distances and impact slopes 30 degrees (30°) or less. Ensure soils from trenching can be safely staged adjacent to trenching without impacting slopes or vegetation.

E. Minimizing Tree and Vegetation Removal:

In addition to the existing tree removal permit process the following shall apply:

- Plot location of all trees over 4” DBH in the site plan.
- No clearing of trees or vegetation on slopes and outside construction buffer areas.
- Do not remove trees or vegetation which are located more than 10 feet from proposed buildings; and no more than 5 feet from decks and along driveways.
- Demarcate limits of clearing, grading, and vegetation removal to avoid accidental damage to slopes and vegetative roots that support slopes.
- Stockpile material from excavation areas and utilize for redistribution on the site. This provides a local seed source of native species.
- Avoid removal of trees and shrubs that may impact unique natural features in the area, including; ponds, seeps, springs, foredunes, or dune ridges.
- Maintain large diameter trees (greater than 12” DBH).
- Maintain mature trees (seed/mast producing) outside of structure and driveway footprint.
- Maintain trees and shrubs that would improve or maintain the natural diversity of the site.
- Minimize the amount of edge created.
- Maintain tree communities that provide necessary niches within bigger landscape.
- Avoid removal of trees / shrubs that may impact unique natural features in the area including: ponds, streams, seeps, springs, dune ridges, or areas with high densities of wildflowers.
- Avoid removal of trees / shrubs in areas that contain endangered or threatened plants (i.e., sea oats).
SECTION 8 APPLICATION AND REVIEW PROCESS TO OBTAIN A COASTAL USE PERMIT

All activities associated with the Dune Overlay District will be reviewed by the Dune Protection Overlay District (DPOD) Site Plan Review Committee (SPRC) and the Town of Dauphin Island Planning Commission prior to making a determination of authorization if otherwise allowable by law.

Upon receipt of an application package, it will be forwarded to the SPRC Committee and the Planning Commission by the Town of Dauphin Island.

The following is a list of the necessary steps to complete the Dune Protection Overlay District Application process to obtain a Coastal Use Permit. The site plan checklist following this section designates what deliverables are required.

1. Determine if the property lies within the Dune Overlay Protection District. A map of the Dune Protection Overlay Zone is shown in Section 3 of this Article. The official zoning map for the Town of Dauphin Island is located at Town Hall.

2. Obtain a Coastal Use Permit Application Package from Dauphin Island Town Hall.

3. Schedule a pre-application meeting and site visit with the DPOD Site Plan Review Committee (SPRC). The property owner/authorized agent (authorization form required) is required to be present at the meeting and site visit. The SPRC will require an accurate diagram of property. Following the meeting, the SPRC will conduct a site visit and conference with the owner or authorized agent to instruct and assist the applicant on all required documents and processes necessary to obtain a Coastal Use Permit.

4. Submit Application Packets and accompanying fees. A completed application package must contain all items on Dune Protection Overlay District checklist, see Section 12 of this Article for all required documentation.

5. Ensure site is staked with metal stakes to include property boundaries, proposed structure corners, driveway and other areas of proposed impact prior to the initial site visit. The SPRC will schedule a second site visit within 10 business days of receiving completed application packet. By scheduling a site visit, the SPRC and staff will be allowed full access to the property. During the site visit the property owner/authorized agent is required to be present to discuss options and assurance criteria.

6. Upon completion of the site visit review the SPRC will provide the property owner/authorized agent with opinions and recommendations. All materials will be mailed to the property owner/authorized agent within seven (7) business days after completing the plan review.

7. SPRC opinions and recommendations along with the Building Official opinions and recommendations are delivered to the Planning Commission for review.

8. Site Plan Review is added to the Planning Commission agenda and scheduled for next regularly scheduled Planning Commission Meeting, provided a completed application packet is returned by the Planning Commission meeting cut-off date.

9. Courtesy notice is given to adjoining property owners of Planning Commission meeting.
10. Action taken by the Town of Dauphin Island Planning Commission unless additional changes are needed. If substantial additional changes are needed, the action may be tabled to the next Planning Commission meeting.